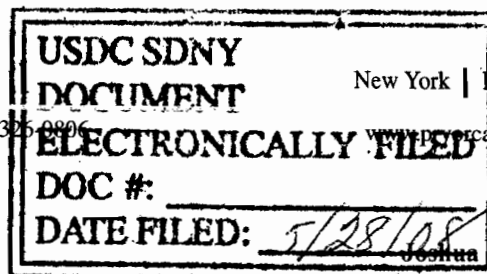


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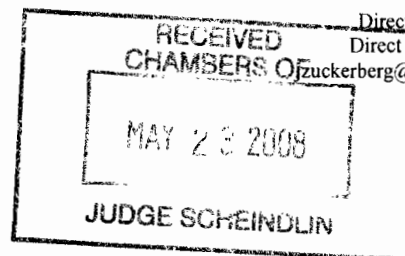


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May 21, 2008



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BY OVERNIGHT DELIVERY

Judge Shira A. Scheindlin
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 1620
 New York, NY 10007

Re: ATPAM et al. v. Astor Show Productions, Inc., et al. 08 Civ. 4395 (SAS)

Dear Judge Scheindlin:

This firm represents Maria Di Dia, an individual defendant in the above-referenced action. We write to request an extension of time to respond to the complaint in this action. This is the first request for an extension made to the Court. Although counsel for defendant Astor Show Productions, Inc., has consented to Ms. Di Dia's request¹, opposing counsel has refused. The current deadline for Defendants to respond to the complaint is June 10, 2008, which was set by agreement of the parties when this case was first brought in state court. However, that agreement was made before a membership meeting of the plaintiff union, Association of Theatrical Press Agents and Managers, Union No. 18032, IATSE, AFL-CIO, CLC ("ATPAM"), took place and a majority of the members at said meeting voted to withdraw this litigation, as described below. Therefore, it is very possible that this entire litigation will be withdrawn by vote of ATPAM's general membership.

This case was initiated by the plaintiff, Gordon Forbes ("Mr. Forbes"), the Secretary-Treasurer of ATPAM, in retaliation for Ms. Di Dia's protected and lawful activity regarding internal union politics. Mr. Forbes improperly brought this complaint in state court notwithstanding the fact that all the allegations are preempted by ERISA. The Defendants were forced to spend time and fees removing the action to federal court. In addition, Mr. Forbes has brought this case as an officer of ATPAM, and has utterly failed to have this case commenced by the League-ATPAM Pension, Welfare, and Annuity Funds, each of whom are indispensable parties to this litigation.

Although Mr. Forbes appears ready to continue this vexatious litigation, a majority of ATPAM members present at the ATPAM membership meeting on April 25, 2008 voted to discontinue the litigation. Pursuant to the ATPAM Constitution, that vote can be sent to the general membership and ratified or reversed in a secret ballot proceeding. See Article VIII, Section 4, annexed hereto. The ATPAM Constitution provides that such secret ballots must be sent out within fifteen (15) days of the April 25,

¹ We have been unable to reach Toby Butterfield, counsel for the other defendant in this case, Manuel Igrejas.

■ PRYOR CASHMAN LLP

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Page 2

2008 meeting, or May 10, 2008, and that the membership has thirty (30) days, or June 9, 2008, to send in their ballots. See, Article VII, Section 2, annexed hereto. If ATPAM has presumably followed its constitutional procedures and proceeds to count the ballots in good-faith and with some reasonable diligence, the ATPAM general membership vote should be fully counted by July 9, 2008, thirty (30) days from when the membership's ballots are due to be submitted. If the general membership upholds the vote of the membership at the April 25, 2008 meeting, the litigation must be withdrawn.

It is for this reason that Defendant Di Dia is seeking an extension of time to move against and/or answer the complaint herein by July 23, 2008, two weeks after the July 9, 2008 deadline for ballot submission. Of course, there is a possibility that ATPAM's count will take less than 30 days or more than 30 days, in which event we are seeking an extension which is two weeks from the date that the results of the secret ballot election have been announced.

It would be an unfortunate waste of the time and resources of both the Defendants and the Court to have this litigation commenced and underway when the ATPAM membership may very likely terminate the litigation through its democratic, constitutional procedures.

We thank the Court for its consideration of this application and refer all questions regarding same to the undersigned.

Respectfully Submitted,

Pryor Cashman LLP
410 Park Ave., 10th Floor
New York, New York 10022
Attorneys for Defendant Di Dia

By: 
Joshua Zuckerberg (jzuckerberg@pryorcashman.com)

cc: Jane Barker, Counsel for ATPAM (By Overnight)
Toby Butterfield, Counsel for Manual Igrejas (By Overnight)
Douglas Maynard, Counsel for Astor Show Productions, Inc. (By Overnight)

So Ordered: 

U.S.D.J.

Shira A. Scheindlin, USDJ

DATE:
May 28,
2008